

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Christopher D. McDuffie

Docket No. 5:14-MJ-1065-1

Petition for Action on Probation

COMES NOW Lee Holmes, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher D. McDuffie, who, upon an earlier plea of guilty to Resist, Delay or Obstruct a Police Officer in violation of 18 U.S.C. § 13 assimilating N.C.G.S. 14-223 and Careless and Reckless by Manner in violation of 18 U.S.C. § 13 assimilating N.C.G.S. 20-140(a), was sentenced by the Honorable Robert T. Numbers, II, U.S. Magistrate Judge, on July 6, 2016, to a 12-month term of supervised probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. McDuffie lives in Buffalo, NY. The Western District of Buffalo has accepted courtesy supervision of this case pending the modifications to the original judgement listed below. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant is to submit to a mental health evaluation. If indicated by the evaluation, the defendant shall participate in mental health treatment, the details of such treatment to be approved by the U.S. Probation Office. The defendant is not to leave such treatment until discharge is agreed to by the U.S. Probation Office and the treating agency. While in treatment or taking psychotropic medication, the defendant shall abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered (co-payment in the amount to be determined by the U.S. Probation Office based on the ability to pay or availability of third party payment). The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.
2. The defendant shall submit to substance abuse testing, to include urinalysis and other testing. Details of such testing to be approved by the U.S. Probation Office. If substance abuse is indicated by testing, the defendant is to complete a drug/alcohol evaluation and enter into any treatment as deemed necessary by the U.S. Probation Office and/or the Court. The defendant is not to leave treatment until discharge is agreed to by the U.S. Probation Office and/or the Court. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered (co-payment in the amount to be determined by the U.S. Probation Office based on the ability to pay or availability of third party payment).
3. The defendant shall submit to a search of his/her person, property, vehicle, place of residence or any other property under his/her control, based upon reasonable suspicion, and permit confiscation of any evidence or contraband discovered.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Lee Holmes
Lee Holmes
Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2568
Executed On: August 08, 2016

ORDER OF THE COURT

Considered and ordered on August 9, 2016 . It is further ordered that this document shall be filed and made a part of the records in the above case.

Robert T. Numbers II
Robert T. Numbers, II
United States Magistrate Judge

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FOR JUDGE'S VIEW ONLY

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